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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|--|-------------|-------------------------|----------------------------|------------------|
| 09/752,476   | 01/02/2001  | Joan L. Carbrey Palango | ALPINE.001AUS              | 4172             |
| 7590 06/13/2006<br>MURAMATSU & ASSOCIATES<br>Suite 310<br>114 Pacifica<br>Irvine, CA 92618 |             |                         | EXAMINER<br>POND, ROBERT M |                  |
|  |             |                         | ART UNIT<br>3625           | PAPER NUMBER     |

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                        |  |
|------------------------------|------------------------|--|------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b>    |  |
|                              | 09/752,476             |  | CARBREY PALANGO ET AL. |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>        |  |
|                              | Robert M. Pond         |  | 3625                   |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant amended claim 17 and based arguments on the amended language. Claims 1-16 were previously canceled. All pending claims 17-29 were examined in this final office action as necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments filed 30 March 2006 have been fully considered but they are not persuasive. Henson teaches incurable combinations, i.e. the configurator alerts the user to an invalid combination. This is the thrust of the Applicant's arguments.

The Examiner is providing for the Applicant's convenience additional prior art recently searched that is pertinent for future consideration:

- Gupta, US 5,825,651: discloses a system and method of user to interactively select and configure a product among a set of related products based on availability and compatibility of features and options. Teaches audio equipment being specified as subcomponent of the product being configured. Assignee is Trilogy Development Group.
- Shaw, US 6,865,524: discloses a system and method for selecting desired attributes for system configuration based on rule sets to define

rules that are met when a configuration is valid. Assignee is Trilogy Development Group.

- Darling; "Extreme Integration," Datamation, November 1996, v42i17pg48, Proquest #10508466, 8pgs: discloses Trilogy Development Group's SalesBuilder software that helps a user to configure a car online and makes sure the user doesn't specify an unworkable combination like a roof rack on a convertible, and further discloses integrating a stereo system into the configuration (see page 4). Computer-based system is configurable to customize other types of products, not just cars.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 17-20, 22-27, and 29 are rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), in view of Crutchfield (Paper #5, PTO-892, Item: U), further in view of Official Notice (regarding within the skill, hereinafter referred to as "ON3").**

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Henson teaches a web-based online store used by consumers to configure electronic products comprising a main system, sub-systems, and components (see at least abstract; Fig. 1(10); Fig. 2 (10, 38, 40); col. 2, line 60 through col. 3, line 54). Henson further teaches:

- Main system page: features page with main system and image: (see at least Fig. 3A; Fig. 4; col. 5, lines 32-35).
- Subsystem page: e.g. memory, monitors, speakers; relationship information (see at least Fig. 3A-3b).
- Components page: e.g. memory; relationship information (see Fig. 5 (92); col. 9, lines 31-33).
- System connection: consumer connects to the web-based online store over the Internet (see at least Fig. 2 (10, 38, 40); col. 5, line 66 through col. 6, line 4).
- System validates selection: customer chooses subsystems and components recommended by the system; system validates selections; configurator alerts the user to an invalid combination (see at least col. 5, lines 28-54; col. 7, line 57 through col. 9, line 8). Please note: customer component selections that result in system suggestions or required selection changes create a back and forth approach to determining a final configuration.
- Check-out page: (see at least Fig. 1 (20); Fig. 6 (102); col. 9, lines 26-39).

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- Item pricing and total: (see at least Fig. 4 (70); Fig. 6 (104); col. 9, lines 26-39).
- Displaying based on price: e.g. memory (see at least Fig. 5 (92)).
- Please note: Henson displays a main system with a subsystem and displays two or more textual descriptions of subsystems (mandatory subsystems and optional subsystems) that connect with the main system displayed. The consumer chooses each component in serial build fashion and is therefore incrementally building a complete system.
- Recommended components: listed in an order of priority based on predetermined factors (e.g. memory size) (see at least Fig. 3A).

Henson teaches all the above as noted under the 103(a) rejection and teaches a web-based online store used by consumers to configure electronic products, but does not disclose a vehicle information page. Crutchfield teaches a web-based online store used by consumers to configure electronic audio products and home electronic products, and further teaches a vehicle information page that allows the system builder to "show the items that fit" (e.g. dashboard openings) (Item: U, pages 1 and 17) (please note the examiner considers Crutchfield to provide a teaching pertinent to Henson in light of the fact that both teach a system builder for configuring electronic products). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Henson to include a web store for electronic audio products and a vehicle information page as taught by Crutchfield, in order to determine

compatible electronic audio products that fit a particular vehicle, and thereby attract consumers desiring to purchase automotive electronic audio products for their vehicles.

Henson teaches all the above as noted under the 103(a) rejection but does not disclose a demonstration screen. Crutchfield teaches all the above as noted under the 103(a) rejection and demonstrates products prior to building a system. Crutchfield teaches taking the mystery out of shopping for a system by taking the shopper to a demonstration page on "How to build a system" or to details that demonstrate how a product performs (U: see at least page 1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Henson, to provide a demonstration screen to instruction a customer how to build a system or a demonstration screen on how a product works as taught by Crutchfield, in order to help customers better understand how to use the system and better understand how products work, and thereby attract customers the service.

Henson teaches all the above as noted under the 103(a) rejection and teach a consumer making a selection from a main page which then presents a subsystem page and components page, but does not clearly convey hierarchical order to the component level. Crutchfield teaches all the above as noted under the 103(a) rejection and teaches hierarchical ordering (e.g. Car Audio, In-Dash CD Receivers, Accessories) (Item: U, see at least pages 1, 10, and 14). Therefore it would have been obvious to one of ordinary skill in the art at time of

the invention to modify the system of Henson to include hierarchical ordering for products as taught by Crutchfield, in order to help customers find products, and thereby attract consumers desiring to purchase electronic products.

Henson teaches all the above as noted under the 103(a) rejection and teaches subsystems recommended to be installed into various cavities of the electronic product, but do not disclose determining a dashboard size. Inherent in Crutchfield are the structures necessary to permit the determination of dashboard size for electronic products. For example, Crutchfield teaches the right fit for electronic products that fit into or onto a dashboard for a car based on at least the vehicle's year (U: see at least pages 1 and 17). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson to determine dashboard size as taught by Crutchfield, in order for customers to order the right size head unit(s) or speakers for their vehicles, and thereby increase customer satisfaction and sales for the online service.

Henson and Crutchfield teach all the above as noted under the 103(a) rejection and teach a) displaying a main system and subsystem in image format on the same web page, and b) displaying on the same web page in textual format two or more compatible systems or subsystems that can be ordered and configured with the main system, but do not specifically depict images of two or more different main systems and two or more different sub-systems. The Examiner takes the position that a) one of ordinary skill in the art would ascertain the displaying of two or more different main systems and two or more different



subsystem is an obvious design choice motivated by prudent business practice to provide a customer convenience since Dell Computer sells two or more different main systems and two or more different subsystems. For example, the service could display an image of each system or subsystem option that is textually described that connects to the displayed main system to either show how it would be configured or how it is being configured as the customer makes component selections. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Henson and Crutchfield to display more images on a web page as taught by ON3, in order to provide an additional customer convenience, and thereby attract customers to the service.

2. **Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), Crutchfield (Paper #5, PTO-892, Item: U), and ON3 (regarding within the skill), as applied to claim 17, further in view of Official Notice (Paper #20050621, admitted prior art regarding well within the skill, hereinafter referred to as "ON1").**

Henson, Crutchfield, and ON3 teach all the above as noted under the 103(a) rejection and teach displaying main system images, but do not disclose displaying an image of every subsystem and component. It would have been obvious to one of ordinary skill in the art at time of the invention to display every subsystem and component, since it is well within the skill to ascertain that since

the system is capable of displaying main system images, the system is therefore capable of displaying subsystem and component images.

- 3. Claim 28 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), Crutchfield (Paper #5, PTO-892, Item: U), and ON3 (regarding within the skill), as applied to claim 17, further in view of Official Notice (Paper #20050621, admitted prior art regarding old and well-known, hereinafter referred to as "ON2").**

Henson, Crutchfield, and ON3 teach all the above as noted under the 103(a) rejection and teach recommending products based on compatibility with the customer's system (e.g. Henson validation, Crutchfield "right fit" based on car model and/or year), pricing (e.g. sells price, online specials), stocking availability, popularity (e.g. brand searching), but do not disclose displaying based on profitability. The Examiner takes the position that it is old and well-known in the arts for sellers to sell products based on profitability (e.g. sell products that have positive margin so the business can grow; sell product(s) at a loss to attract shopper traffic (loss leaders)). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson, Crutchfield, and ON3 to market products based on profitability as taught by ON2, in order for the online service to grow.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Gupta, US 5,825,651: discloses a system and method of user to interactively select and configure a product among a set of related products based on availability and compatibility of features and options. Teaches audio equipment being specified as subcomponent of the product being configured. Assignee is Trilogy Development Group.

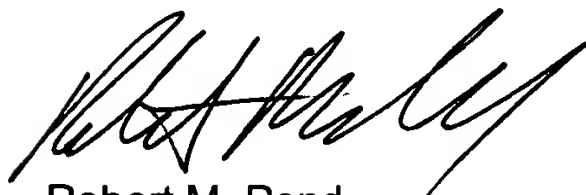
- Shaw, US 6,865,524: discloses a system and method for selecting desired attributes for system configuration based on rule sets to define rules that are met when a configuration is valid. Assignee is Trilogy Development Group.
- Darling; "Extreme Integration," Datamation, November 1996, v42i17pg48, Proquest #10508466, 8pgs: discloses Trilogy Development Group's SalesBuilder software that helps a user to configure a car online and makes sure the user doesn't specify an unworkable combination like a roof rack on a convertible, and further discloses integrating a stereo system into the configuration. Computer-based system is configurable to customize other types of products, not just cars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
June 9, 2006